

ORIGINAL

Approved: 

JACOB R. FIDDELMAN

Assistant United States Attorney

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Before: HONORABLE KEVIN NATHANIEL FOX
 United States Magistrate Judge
 Southern District of New York

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 UNITED STATES OF AMERICA :: COMPLAINT

- v. - :

: Violation of 21 U.S.C.

: § 846

RODOLFO DIAZ, JR., :

Defendant. :

: COUNTIES OF OFFENSE:

: BRONX, WESTCHESTER
 -----x

SOUTHERN DISTRICT OF NEW YORK, ss:

RICARDO F. FARQUHARSON, being duly sworn, deposes and says that he is a Special Agent with the Drug Enforcement Administration ("DEA"), and charges as follows:

COUNT ONE

(Narcotics Conspiracy)

1. In or about December 2019, in the Southern District of New York and elsewhere, RODOLFO DIAZ, JR., the defendant, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that RODOLFO DIAZ, JR. the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

3. The controlled substance that RODOLFO DIAZ, JR., the defendant, conspired to distribute and possess with intent to distribute was one kilogram and more of mixtures and substances containing a detectable amount of heroin, in violation of Title 21, United States Code, Section 841(b)(1)(A).

(Title 21, United States Code, Section 846.)

The bases for my knowledge of the foregoing charge are, in part, as follows:

4. I am a Special Agent with the DEA, and I have been personally involved in the investigation of this matter. This affidavit is based upon my personal participation in the investigation, my examination of reports and records, and my conversations with other law enforcement agents and other individuals. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

5. Based on my participation in this investigation, including my review of law enforcement reports, other documents, and video recordings, and my conversations with other law enforcement officers, I have learned the following, in substance and in part:

a. The DEA has been conducting an investigation into a drug trafficking organization operating in and around the Bronx and Westchester, New York.

b. On or about December 16, 2019, at approximately 9:45 p.m., as part of the investigation described above, the DEA executed a judicially authorized search warrant for a particular two-bedroom apartment in Yonkers, New York ("Apartment-1"). Apartment-1 is leased under the name of RODOLFO DIAZ, JR., the defendant.

c. In the course of the search of Apartment-1, agents recovered from a box underneath clothing in the front closet of Apartment-1, among other things, two large rectangular bricks, a plastic bag, and a large number of small glassine bags containing a beige, powder-like substance giving off a distinctive odor. In addition, agents recovered from one of the bedrooms in Apartment-1 ("Bedroom-1"), among other things, additional glassine bags containing what appeared to be the same substance, as well as boxes of stamps, ink pads, a scale, rubber bands, tape, a vacuum sealer, and a grinder with beige powdery residue on it. Based on my training and experience, including my familiarity with the appearance and odor of narcotics, I believe that the beige, powder-like substance found in the front closet and Bedroom-1 in Apartment-1 is heroin. Based on my training and experience, I

also know that the other items described in this paragraph are commonly used by narcotics traffickers to package narcotics for distribution.

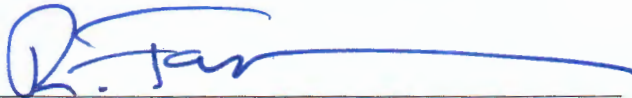
d. In the course of the search of Apartment-1, agents also recovered from Apartment-1, among other things, a New York State identification card bearing the name of DIAZ. I have compared the photograph on this identification card to my personal observations of DIAZ and believe that they are the same individual.

e. Later that night, at approximately 11:35 p.m., a silver Mercedes vehicle approached the building in which Apartment-1 is located, slowed, and then very slowly drove along the street in front of the building. Based on their training and experience, the law enforcement officers who observed the vehicle believe that it was conducting counter-surveillance to ensure that no law enforcement was present before entering the parking garage connected to the building in which Apartment-1 is located. Law enforcement officers stopped the vehicle, which was being driven by DIAZ. DIAZ was then placed under arrest.

f. On or about the following day, December 17, 2019, law enforcement agents spoke with DIAZ's father at DIAZ's father's residence in the Bronx ("Apartment-2"). DIAZ's father provided consent to search Apartment-2. In the course of the search of Apartment-2, agents recovered, among other things, an additional three approximately one-kilogram rectangular bricks that appeared to consist of the same beige powder-like substance described above found in Apartment-1, along with a bullet-proof vest, from a bedroom in which DIAZ had previously stayed but in which he no longer regularly resided (as explained below). Based on their training and experience, including their familiarity with the appearance and odor of narcotics, the agents who recovered these bricks believe that the beige, powder-like substance is heroin.

g. After DIAZ was arrested, DIAZ waived his *Miranda* rights and agreed to speak with law enforcement agents. DIAZ stated, in substance and in part, that Bedroom-1 in Apartment-1 (in which the above-described narcotics packaging equipment was found) was his old bedroom, that he no longer resided there, and that he had agreed to store the additional heroin and bullet-proof vest in his old bedroom in his parents' residence for a friend.

WHEREFORE, I respectfully request that RODOLFO DIAZ, JR., the defendant, be imprisoned or bailed, as the case may be.



RICARDO F. FARQUHARSON
Special Agent
Drug Enforcement Administration

Sworn to before me this
17th day of December, 2019



THE HONORABLE KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK